- 1			
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5	Los Angeles, California 900/1		
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7	Attorneys for Defendant SANG LEE		
8			
9	UNITED STATES	DISTRICT COURT	
10	CENTRAL DISTRICT OF CAL	IFORNIA, WESTERN	N DIVISION
11			
12	CORY SPENCER, an individual;	CASE NO. 2:16-cv-	02129-SJO (RAOx)
13	DIANA MILENA REED, an individual; and COASTAL	Assist and District Iv	dae Han C. James
14	PROTECTION RANGERS, INC., a California non-profit public benefit	Assigned District Ju Otero, Courtroom 10	OC 1001. S. James
15	corporation,	Discovery Assigned Hon. Rozella A. Oli	to Magistrate Judge
16	Plaintiffs,		
17	VS.	DEFENDANT SAN EVIDENTIARY O	BJECTIONS TO
18	LUNADA BAY BOYS; THE INDIVIDUAL MEMBERS OF THE	PLAINTIFFS' EVI IN SUPPORT OF	OPPOSITION TO
19	LUNADA BAY BOYS, including but not limited to SANG LEE, BRANT	MOTION FOR SU JUDGMENT	
20	BLAKEMAN, ALAN JOHNSTON AKA JALIAN JOHNSTON, MICHAEL DAE DADAYANS	[Filed concurrently	with Reply;
21	MICHAEL RAE PAPAYANS, ANGELO FERRARA, FRANK FERRARA, CHARLIE FERRARA;	Opposition & Object Judicial Notice; Res Material Facts]	ponse to Additional
22	and N.F.; CITY OF PALOS VERDES ESTATES; CHIEF OF	Date: September 5	2017
23	POLICE JEFF KEPLEY, in his representative capacity; and DOES	Time: 10:00 a.m. Crtrm.: 10C	, 2017
24	1-10,	Cium 10C	
25	Defendants.	Complaint filed: Trial Date:	March 29, 2016 November 7, 2017
26		i inai Date.	110vember 7. 2017
27	TO ALL PARTIES AND THEIR ATT	ORNEYS OF RECO	RD:
28	4833-9366-6124.1		2:16-cy-21

2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT

1 2 3 Defendant Sang Lee ("Defendant Lee") hereby submits the following evidentiary objections to Plaintiffs' Evidence filed in support of Defendant Sang Lee's Motion for Summary Judgment.

**4 5** 

## I. OBJECTIONS TO DECLARATIONS FILED BY PLAINTIFFS IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT LEE'S MOTION FOR SUMMARY JUDGMENT

7 8

6

a. Declaration of Samantha Wolff Submitted In Support of Plaintiffs'
Opposition to Individual Defendants' Motions for Summary
Judgment or, in the Alternative, Summary Adjudication

9

10 MATERIAL OBJECTED TO **GROUNDS FOR RULING OBJECTION(S)** 11 Objection. Defendant Lee 1. Paragraph 2, p. 2: 23-25 12 **SUSTAINED** 13 "Attached hereto as Exhibit 1 is objects to this statement 14 and the referenced **OVERRULED** a true and correct copy of select 15 excerpts of the deposition document as lacking transcript of Steve Barber taken relevance in the litigation 16 in the instant action on June 22, 17 against Defendant Lee. 18 2017." (Fed. R. Evid. 401, 402). Objection. Defendant Lee 19 2. Paragraph 3, p. 2: 26-28 **SUSTAINED** 20 "Attached hereto as Exhibit 2 is objects to this statement 21 a true and correct copy of select and the referenced **OVERRULED** 22 excerpts of the deposition document as lacking 23 transcript of Defendant Brant relevance in the litigation 24 Blakeman taken in the instant against Defendant Lee. 25 action on November 21, 2016." (Fed. R. Evid. 401, 402). 26 Objection. Defendant Lee **SUSTAINED** 3. Paragraph 4, p. 3:1-3 27 objects to this statement "Attached hereto as Exhibit 3 is

LEWIS
BRISBOIS
BISGAARD
& SMITH LLP
ATTORNEYS AT LAW

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DEFENDANT SANGLEE'S EVIDENTIARY OF IECTIONS TO BLAINTIES' EVIDENCE ELLED IN SUPPORT

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	a true and correct copy of select	and the referenced	OVERRULED
4	excerpts of the deposition	document as lacking	
5	transcript of Defendant Angelo	relevance in the litigation	
6	Ferrara taken in the instant	against Defendant Lee.	
7	action on October 28, 2016."	(Fed. R. Evid. 401, 402).	
8	4. Paragraph 5, p. 3:4-6	Objection. Defendant Lee	SUSTAINED
9	"Attached hereto as Exhibit 4 is	objects to this statement	
10	a true and correct copy of select	and the referenced	OVERRULED
11	excerpts of the deposition	document as lacking	
12	transcript of Defendant Charles	relevance in the litigation	
13	Ferrara taken in the instant	against Defendant Lee.	
14	action on July 7, 2017."	(Fed. R. Evid. 401, 402).	
15	5. Paragraph 6, p. 3: 7-9	Objection. Defendant Lee	SUSTAINED
16	"Attached hereto as Exhibit 5 is	objects to this statement	
17	a true and correct copy of select	and the referenced	OVERRULED
18	excerpts of the deposition	document as lacking	
19	transcript of Defendant Frank	relevance in the litigation	
20	Ferrara taken in the instant	against Defendant Lee.	
21	action on July 10, 2017."	(Fed. R. Evid. 401, 402).	
22	6. Paragraph 7, p. 3: 10-12	Objection. Defendant Lee	SUSTAINED
23	"Attached hereto as Exhibit 6 is	objects to this statement	
24	a true and correct copy of select	and the referenced	OVERRULED
25	excerpts of the deposition	document as lacking	
26	transcript of Defendant Alan	relevance in the litigation	
27	Johnston taken in the instant	against Defendant Lee.	
20			

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2	MATERIAL OBJECTED TO	OBJECTION(S)	KULING
	I 1 20 2017 "		
3	action on July 28, 2017."	(Fed. R. Evid. 401, 402).	
4	7. <u>Paragraph 8, p. 3: 13-15</u>	Objection. Defendant Lee	SUSTAINED
5	"Attached hereto as Exhibit 7 is	objects to this statement	
6	a true and correct copy of select	and the referenced	OVERRULED
7	excerpts of the deposition	document as lacking	
8	transcript of Defendant Jeff	relevance in the litigation	
9	Kepley taken in the instant	against Defendant Lee.	
10	action on October 10, 2016."	(Fed. R. Evid. 401, 402).	
11	8. Paragraph 10, p. 3:19-21	Objection. Defendant Lee	SUSTAINED
12	"Attached hereto as Exhibit 9 is	objects to this statement	
13	a true and correct copy of select	and the referenced	OVERRULED
14	excerpts of the deposition	document as lacking	
15	transcript of N.F. taken in the	relevance in the litigation	
16	instant action on July 6, 2017."	against Defendant Lee.	
17		(Fed. R. Evid. 401, 402).	
18	9. <u>Paragraph 13, p. 4:1-3</u>	Objection. Defendant Lee	
19	"Attached hereto as Exhibit 12 is	objects to this statement	SUSTAINED
20	a true and correct copy of the	and the referenced	
21	Declaration of Bruce Bacon in	document on the grounds	OVERRULED
22	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
23	Class Certification [Docket No.	Motion for Class	
24	168].	Certification, which this	
25		Court denied. (See Dkt.	
26		No. 225.) Plaintiffs are	
27		improperly attempting to	
28			•

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		inject certification issues	
4		into these summary	
5		judgment proceedings.	
6		Issues of certification have	
7		already been determined,	
8		and those issues are	
9		unrelated to the motion	
10		now before the Court. On	
11		that basis, Defendant Lee	
12		also objects to this	
13		statement as lacking	
14		relevance to the instant	
15		litigation. (Fed. R. Evid.	
16		401, 402).	
17	10. <u>Paragraph 14, p.4: 4-6</u>	Objection. Defendant Lee	SUSTAINED
18	"Attached hereto as Exhibit 13 is	objects to this statement	
19	a true and correct copy of the	and the referenced	OVERRULED
20	Declaration of John Carpenter in	document on the grounds	
21	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
22	Class Certification [Docket No.	Motion for Class	
23	161].	Certification, which this	
24		Court denied. (See Dkt.	
25		No. 225.) Plaintiffs are	
26		improperly attempting to	
27		inject certification issues	

4833-9366-6124.1 4833-9366-6124.1 5 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		into these summary	
4		judgment proceedings.	
5		Issues of certification have	
6		already been determined,	
7		and those issues are	
8		unrelated to the motion	
9		now before the Court. On	
10		that basis, Defendant Lee	
1		also objects to this	
2		statement as lacking	
13		relevance to the instant	
4		litigation. (Fed. R. Evid.	
15		401, 402).	
16	11. <u>Paragraph 15, p.4: 7-9</u>	Objection. Defendant Lee	SUSTAINED
7	"Attached hereto as Exhibit 14 is	objects to this statement	
8	a true and correct copy of the	and the referenced	OVERRULED
9	Declaration of Chris Claypool in	document on the grounds	
20	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
21	Class Certification [Docket No.	Motion for Class	
22	176]."	Certification, which this	
23		Court denied. (See Dkt.	
24		No. 225.) Plaintiffs are	
25		improperly attempting to	
26		inject certification issues	
27		into these summary	

**28** | 4833-9366-6124.1 2:16-cv-2129 4833-9366-6124.1 6 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT

DBJECTION(S)  judgment proceedings. Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 Objection. Defendant Lee "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  OVERRULED OVERRULED OVERRULED OVERRULED Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary judgment proceedings.	1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
Issues of certification have already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 13	2		OBJECTION(S)	
already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 Objection. Defendant Lee objects to this statement and the referenced document on the grounds in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Already been determined, and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement and the referenced document on the grounds that it relates to Plaintiffs' OVERRULED Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	3		judgment proceedings.	
and those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 Objection. Defendant Lee objects to this statement and the referenced document on the grounds in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  And those issues are unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement and the referenced document on the grounds that it relates to Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	4		Issues of certification have	
unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Unrelated to the motion now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs' Motion for Class Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	5		already been determined,	
now before the Court. On that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 Objection. Defendant Lee objects to this statement and the referenced document on the grounds in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  No. 166]."  No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	6		and those issues are	
that basis, Defendant Lee also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	7		unrelated to the motion	
also objects to this statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Objection. Defendant Lee objects to this statement and the referenced document on the grounds that it relates to Plaintiffs' Motion for Class Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	8		now before the Court. On	
statement as lacking relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	9		that basis, Defendant Lee	
relevance to the instant litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12 "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Motion for Class Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	10		also objects to this	
litigation. (Fed. R. Evid. 401, 402).  12. Paragraph 16, p. 4: 10-12     "Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	11		statement as lacking	
14   401, 402).  15   12.Paragraph 16, p. 4: 10-12   Objection. Defendant Lee objects to this statement and the referenced document on the grounds in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  18   Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	12		relevance to the instant	
15	13		litigation. (Fed. R. Evid.	
"Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	14		401, 402).	
a true and correct copy of the Declaration of Kenneth Claypool in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	15	12. Paragraph 16, p. 4: 10-12	Objection. Defendant Lee	SUSTAINED
Declaration of Kenneth Claypool document on the grounds in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	16	"Attached hereto as Exhibit 15 is	objects to this statement	
in Support of Plaintiffs' Motion for Class Certification [Docket No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	17	a true and correct copy of the	and the referenced	OVERRULED
for Class Certification [Docket Motion for Class No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	18	Declaration of Kenneth Claypool	document on the grounds	
No. 166]."  Certification, which this Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	19	in Support of Plaintiffs' Motion	that it relates to Plaintiffs'	
Court denied. (See Dkt. No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	20	for Class Certification [Docket	Motion for Class	
No. 225.) Plaintiffs are improperly attempting to inject certification issues into these summary	21	No. 166]."	Certification, which this	
improperly attempting to inject certification issues into these summary	22		Court denied. (See Dkt.	
inject certification issues into these summary	23		No. 225.) Plaintiffs are	
into these summary	24		improperly attempting to	
	25		inject certification issues	
judgment proceedings.	26		into these summary	
	27		judgment proceedings.	

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		Issues of certification have	
4		already been determined,	
5		and those issues are	
6		unrelated to the motion	
7		now before the Court. On	
8		that basis, Defendant Lee	
9		also objects to this	
10		statement as lacking	
11		relevance to the instant	
12		litigation. (Fed. R. Evid.	
13		401, 402).	
14	13. <u>Paragraph 17, p. 4: 13-15</u>	Objection. Defendant Lee	SUSTAINED
15	"Attached hereto as Exhibit 16 is	objects to this statement	
16	a true and correct copy of the	and the referenced	OVERRULED
17	Declaration of James Conn in	document on the grounds	
18	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
19	Class Certification [Docket No.	Motion for Class	
20	174]."	Certification, which this	
21		Court denied. (See Dkt.	
22		No. 225.) Plaintiffs are	
23		improperly attempting to	
24		inject certification issues	
25		into these summary	
26		judgment proceedings.	
27		Issues of certification have	
28	4833-9366-6124.1	8	2:16-cv-212

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DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		already been determined,	
4		and those issues are	
5		unrelated to the motion	
6		now before the Court. On	
7		that basis, Defendant Lee	
8		also objects to this	
9		statement as lacking	
10		relevance to the instant	
1		litigation. (Fed. R. Evid.	
12		401, 402).	
13	14. Paragraph 18, p. 4: 16-18	Objection. Defendant Lee	SUSTAINED
4	"Attached hereto as Exhibit 17 is	objects to this statement	
5	a true and correct copy of the	and the referenced	OVERRULED
16	Declaration of Michael	document on the grounds	
ا7	Alexander Gero in Support of	that it relates to Plaintiffs'	
8	Plaintiffs' Motion for Class	Motion for Class	
9	Certification [Docket No. 170].	Certification, which this	
20		Court denied. (See Dkt.	
21		No. 225.) Plaintiffs are	
22		improperly attempting to	
23		inject certification issues	
24		into these summary	
25		judgment proceedings.	
26		Issues of certification have	
7		already been determined,	

28 4833-9366-6124.1 9 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		and those issues are	
4		unrelated to the motion	
5		now before the Court. On	
6		that basis, Defendant Lee	
7		also objects to this	
8		statement as lacking	
9		relevance to the instant	
10		litigation. (Fed. R. Evid.	
11		401, 402).	
12	15. <u>Paragraph 19, p. 4: 19-21</u>	Objection. Defendant Lee	SUSTAINED
13	"Attached hereto as Exhibit 18 is	objects to this statement	
14	a true and correct copy of the	and the referenced	OVERRULED
15	Declaration of Jason Gersch in	document on the grounds	
16	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
17	Class Certification [Docket No.	Motion for Class	
18	170]."	Certification, which this	
19		Court denied. (See Dkt.	
20		No. 225.) Plaintiffs are	
21		improperly attempting to	
22		inject certification issues	
23		into these summary	
24		judgment proceedings.	
25		Issues of certification have	
26		already been determined,	
27		and those issues are	
20	4	1	l

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		unrelated to the motion	
4		now before the Court. On	
5		that basis, Defendant Lee	
6		also objects to this	
7		statement as lacking	
8		relevance to the instant	
9		litigation. (Fed. R. Evid.	
10		401, 402).	
11	16. <u>Paragraph 20, p. 4: 22-24</u>	Objection. Defendant Lee	SUSTAINED
12	"Attached hereto as Exhibit 19 is	objects to this statement	
13	a true and correct copy of the	and the referenced	OVERRULED
14	Declaration of John Geoffrey	document on the grounds	
15	Hagins in Support of Plaintiffs'	that it relates to Plaintiffs'	
16	Motion for Class Certification	Motion for Class	
17	[Docket No. 178]."	Certification, which this	
18		Court denied. (See Dkt.	
19		No. 225.) Plaintiffs are	
20		improperly attempting to	
21		inject certification issues	
22		into these summary	
23		judgment proceedings.	
24		Issues of certification have	
25		already been determined,	
26		and those issues are	
27		unrelated to the motion	
28	4833-9366-6124.1	11	2:16-cv-2129

LEWIS BRISBOIS & SМПН ШР

4833-9366-6124.1 4833-9366-6124.1 11 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		now before the Court. On	
4		that basis, Defendant Lee	
5		also objects to this	
6		statement as lacking	
7		relevance to the instant	
8		litigation. (Fed. R. Evid.	
9		401, 402).	
0	17. <u>Paragraph 21, p. 4:25-27</u>	Objection. Defendant Lee	SUSTAINED
1	"Attached hereto as Exhibit 20 is	objects to this statement	
12	a true and correct copy of the	and the referenced	OVERRULED
3	Declaration of John Innis in	document on the grounds	
4	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
5	Class Certification [Docket No.	Motion for Class	
6	165]."	Certification, which this	
7		Court denied. (See Dkt.	
8		No. 225.) Plaintiffs are	
9		improperly attempting to	
20		inject certification issues	
21		into these summary	
22		judgment proceedings.	
23		Issues of certification have	
24		already been determined,	
5		and those issues are	
26		unrelated to the motion	
27		now before the Court. On	
28	4833-9366-6124.1	12	2:16-cv-2

4833-9366-6124.1 4833-9366-6124.1 12 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		that basis, Defendant Lee	
4		also objects to this	
5		statement as lacking	
6		relevance to the instant	
7		litigation. (Fed. R. Evid.	
8		401, 402).	
9	18. <u>Paragraph 22, p. 5: 1-3</u>	Objection. Defendant Lee	SUSTAINED
10	"Attached hereto as Exhibit 21 is	objects to this statement	
11	a true and correct copy of the	and the referenced	OVERRULED
12	Declaration of Daniel Jongeward	document on the grounds	
13	in Support of Plaintiff's Motion	that it relates to Plaintiffs'	
14	for Class Certification [Docket	Motion for Class	
15	No. 177]."	Certification, which this	
16		Court denied. (See Dkt.	
17		No. 225.) Plaintiffs are	
18		improperly attempting to	
19		inject certification issues	
20		into these summary	
21		judgment proceedings.	
22		Issues of certification have	
23		already been determined,	
24		and those issues are	
25		unrelated to the motion	
26		now before the Court. On	
27		that basis, Defendant Lee	
28	4833-9366-6124.1	13	2:16-cv-2129

LEWIS BRISBOIS & SМПН ШР

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		also objects to this	
4		statement as lacking	
5		relevance to the instant	
6		litigation. (Fed. R. Evid.	
7		401, 402).	
8	19. <u>Paragraph 23, p. 5: 4-6</u>	Objection. Defendant Lee	SUSTAINED
9	"Attached hereto as Exhibit 22 is	objects to this statement	
10	a true and correct copy of the	and the referenced	OVERRULED
11	Declaration of Sef Krell in	document on the grounds	
12	Support of Plaintiffs' Motions	that it relates to Plaintiffs'	
13	for Class Certification [Docket	Motion for Class	
14	No. 180]."	Certification, which this	
15		Court denied. (See Dkt.	
16		No. 225.) Plaintiffs are	
17		improperly attempting to	
18		inject certification issues	
19		into these summary	
20		judgment proceedings.	
21		Issues of certification have	
22		already been determined,	
23		and those issues are	
24		unrelated to the motion	
25		now before the Court. On	
26		that basis, Defendant Lee	
27		also objects to this	
28	4833-9366-6124.1	14	2:16-cv-212

LEWIS BRISBOIS & SМПН ШР

	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		statement as lacking	
4		relevance to the instant	
5		litigation. (Fed. R. Evid.	
6		401, 402).	
7	20. <u>Paragraph 24, p. 5: 7-9</u>	Objection. Defendant Lee	SUSTAINED
8	"Attached hereto as Exhibit 23 is	objects to this statement	
9	a true and correct copy of the	and the referenced	OVERRULED
0	Declaration of Joseph Lanning in	document on the grounds	
1	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
2	Class Certification [Docket No.	Motion for Class	
3	172]."	Certification, which this	
4		Court denied. (See Dkt.	
5		No. 225.) Plaintiffs are	
6		improperly attempting to	
7		inject certification issues	
8		into these summary	
9		judgment proceedings.	
0		Issues of certification have	
1		already been determined,	
2		and those issues are	
3		unrelated to the motion	
4		now before the Court. On	
5		that basis, Defendant Lee	
5		also objects to this	
7		statement as lacking	

**28** | 4833-9366-6124.1 4833-9366-6124.1 15 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		relevance to the instant	
4		litigation. (Fed. R. Evid.	
5		401, 402).	
6	21. Paragraph 25, p. 5: 10-12	Objection. Defendant Lee	SUSTAINED
7	"Attached hereto as Exhibit 24 is	objects to this statement	
8	a true and correct copy of the	and the referenced	OVERRULED
9	Declaration of John MacHarg in	document on the grounds	
10	Support of Plaintiff's Motion for	that it relates to Plaintiffs'	
11	Class Certification [Docket No.	Motion for Class	
12	160].	Certification, which this	
13		Court denied. (See Dkt.	
14		No. 225.) Plaintiffs are	
15		improperly attempting to	
16		inject certification issues	
17		into these summary	
18		judgment proceedings.	
19		Issues of certification have	
20		already been determined,	
21		and those issues are	
22		unrelated to the motion	
23		now before the Court. On	
24		that basis, Defendant Lee	
25		also objects to this	
26		statement as lacking	
27		relevance to the instant	
20	1	•	

LEWIS BRISBOIS & SMITH ШР

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		litigation. (Fed. R. Evid.	
4		401, 402).	
5	22. Paragraph 26, p.5: 13-15	Objection. Defendant Lee	SUSTAINED
6	"Attached hereto as Exhibit 25 is	objects to this statement	
7	a true and correct copy of the	and the referenced	OVERRULED
8	Declaration of Carl Marsch in	document on the grounds	
9	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
0	Class Certification [Docket No.	Motion for Class	
11	179]."	Certification, which this	
12		Court denied. (See Dkt.	
13		No. 225.) Plaintiffs are	
14		improperly attempting to	
15		inject certification issues	
16		into these summary	
17		judgment proceedings.	
18		Issues of certification have	
9		already been determined,	
20		and those issues are	
21		unrelated to the motion	
22		now before the Court. On	
23		that basis, Defendant Lee	
24		also objects to this	
25		statement as lacking	
26		relevance to the instant	
27		litigation. (Fed. R. Evid.	

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		401, 402).	
4	23. Paragraph 27, p. 5: 16-18	Objection. Defendant Lee	SUSTAINED
5	"Attached hereto as Exhibit 26 is	objects to this statement	
6	a true and correct copy of the	and the referenced	OVERRULED
7	Declaration of Stephen Neushul	document on the grounds	
8	in Support of Plaintiffs' Motion	that it relates to Plaintiffs'	
9	for Class Certification [Docket	Motion for Class	
10	No. 173."	Certification, which this	
11		Court denied. (See Dkt.	
12		No. 225.) Plaintiffs are	
13		improperly attempting to	
14		inject certification issues	
15		into these summary	
16		judgment proceedings.	
17		Issues of certification have	
18		already been determined,	
19		and those issues are	
20		unrelated to the motion	
21		now before the Court. On	
22		that basis, Defendant Lee	
23		also objects to this	
24		statement as lacking	
25		relevance to the instant	
26		litigation. (Fed. R. Evid.	
27		401, 402).	
20		<u> </u>	

1	MATERIAL ORIEGTED TO	CDOUNDS FOR	DIII INC
1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	24. Paragraph 28, p. 5: 19-21	Objection. Defendant Lee	SUSTAINED
4	"Attached hereto as Exhibit 27 is	objects to this statement	
5	a true and correct copy of the	and the referenced	OVERRULED
6	Declaration of Peter Neushul in	document on the grounds	
7	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
8	Class Certification [Docket No.	Motion for Class	
9	184-1]."	Certification, which this	
10		Court denied. (See Dkt.	
11		No. 225.) Plaintiffs are	
12		improperly attempting to	
13		inject certification issues	
14		into these summary	
15		judgment proceedings.	
16		Issues of certification have	
17		already been determined,	
18		and those issues are	
19		unrelated to the motion	
20		now before the Court. On	
21		that basis, Defendant Lee	
22		also objects to this	
23		statement as lacking	
24		relevance to the instant	
25		litigation. (Fed. R. Evid.	
26		401, 402).	
27	25. Paragraph 29, p. 5: 22-24	Objection. Defendant Lee	
20		I	I

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	"Attached hereto as Exhibit 28 is	objects to this statement	SUSTAINED
4	a true and correct copy of the	and the referenced	
5	Declaration of Victor Otten in	document on the grounds	OVERRULED
6	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
7	Class Certification [Docket No.	Motion for Class	
8	159-3]."	Certification, which this	
9		Court denied. (See Dkt.	
10		No. 225.) Plaintiffs are	
11		improperly attempting to	
12		inject certification issues	
13		into these summary	
14		judgment proceedings.	
15		Issues of certification have	
16		already been determined,	
17		and those issues are	
18		unrelated to the motion	
19		now before the Court. On	
20		that basis, Defendant Lee	
21		also objects to this	
22		statement as lacking	
23		relevance to the instant	
24		litigation. (Fed. R. Evid.	
25		401, 402).	
26	26. Paragraph 30, p.5: 25-27	Objection. Defendant Lee	SUSTAINED
27	"Attached hereto as Exhibit 29 is	objects to this statement	
28	4833-9366-6124.1	20	2:16-cv-212

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	a true and correct copy of the	and the referenced	OVERRULED
4	Declaration of Sharlean Perez in	document on the grounds	
5	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
6	Class Certification [Docket No.	Motion for Class	
7	164]."	Certification, which this	
8		Court denied. (See Dkt.	
9		No. 225.) Plaintiffs are	
10		improperly attempting to	
11		inject certification issues	
12		into these summary	
13		judgment proceedings.	
14		Issues of certification have	
15		already been determined,	
16		and those issues are	
17		unrelated to the motion	
18		now before the Court. On	
19		that basis, Defendant Lee	
20		also objects to this	
21		statement as lacking	
22		relevance to the instant	
23		litigation. (Fed. R. Evid.	
24		401, 402).	
25	27. <u>Paragraph 31, p.6:1-3</u>	Objection. Defendant Lee	SUSTAINED
26	"Attached hereto as Exhibit 30 is	objects to this statement	
27	a true and correct copy of the	and the referenced	
20		<u> </u>	<u> </u>

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	Declaration of Diana Milana	document on the grounds	OVERRULED
4	Reed in Support of Plaintiffs'	that it relates to Plaintiffs'	
5	Motion for Class Certification	Motion for Class	
6	[Docket No. 159-5]."	Certification, which this	
7		Court denied. (See Dkt.	
8		No. 225.) Plaintiffs are	
9		improperly attempting to	
10		inject certification issues	
11		into these summary	
12		judgment proceedings.	
13		Issues of certification have	
14		already been determined,	
15		and those issues are	
16		unrelated to the motion	
17		now before the Court. On	
18		that basis, Defendant Lee	
19		also objects to this	
20		statement as lacking	
21		relevance to the instant	
22		litigation. (Fed. R. Evid.	
23		401, 402).	
24	28. <u>Paragraph 31, p.6: 4-6</u>	Objection. Defendant Lee	SUSTAINED
25	"Attached hereto as Exhibit 31 is	objects to this statement	
26	a true and correct copy of the	and the referenced	OVERRULED
27	Declaration of Benjamin Sionuit	document on the grounds	
20			1

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	in Support of Plaintiffs' Motion	that it relates to Plaintiffs'	
4	for Class Certification [Docket	Motion for Class	
5	No. 308]."	Certification, which this	
6		Court denied. (See Dkt.	
7		No. 225.) Plaintiffs are	
8		improperly attempting to	
9		inject certification issues	
10		into these summary	
11		judgment proceedings.	
12		Issues of certification have	
13		already been determined,	
14		and those issues are	
15		unrelated to the motion	
16		now before the Court. On	
17		that basis, Defendant Lee	
18		also objects to this	
19		statement as lacking	
20		relevance to the instant	
21		litigation. (Fed. R. Evid.	
22		401, 402).	
23	29. <u>Paragraph 33, p.6: 7-9</u>	Objection. Defendant Lee	SUSTAINED
24	"Attached hereto as Exhibit 32 is	objects to this statement	
25	a true and correct copy of the	and the referenced	OVERRULED
26	Declaration of Michael Sisson in	document on the grounds	
27	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
20	†		

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	Class Certification [Docket No.	Motion for Class	
4	169]."	Certification, which this	
5		Court denied. (See Dkt.	
6		No. 225.) Plaintiffs are	
7		improperly attempting to	
8		inject certification issues	
9		into these summary	
10		judgment proceedings.	
11		Issues of certification have	
12		already been determined,	
13		and those issues are	
14		unrelated to the motion	
15		now before the Court. On	
16		that basis, Defendant Lee	
17		also objects to this	
18		statement as lacking	
19		relevance to the instant	
20		litigation. (Fed. R. Evid.	
21		401, 402).	
22	30. <u>Paragraph 34, p. 6: 10-12</u>	Objection. Defendant Lee	SUSTAINED
23	"Attached hereto as Exhibit 33 is	objects to this statement	
24	a true and correct copy of the	and the referenced	OVERRULED
25	Declaration of Slatten in Support	document on the grounds	
26	of Plaintiffs' Motion for Class	that it relates to Plaintiffs'	
27	Certification [Docket No. 159-	Motion for Class	
28	4000 0000 01044		

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	6]."	Certification, which this	
4		Court denied. (See Dkt.	
5		No. 225.) Plaintiffs are	
6		improperly attempting to	
7		inject certification issues	
8		into these summary	
9		judgment proceedings.	
10		Issues of certification have	
11		already been determined,	
12		and those issues are	
13		unrelated to the motion	
14		now before the Court. On	
15		that basis, Defendant Lee	
16		also objects to this	
17		statement as lacking	
18		relevance to the instant	
19		litigation. (Fed. R. Evid.	
20		401, 402).	
21	31. Paragraph 35, p. 6: 13-15	Objection. Defendant Lee	SUSTAINED
22	"Attached hereto as Exhibit 34 is	objects to this statement	
23	a true and correct copy of the	and the referenced	OVERRULED
24	Declaration of Cory Spencer in	document on the grounds	
25	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
26	Class Certification [Docket No.	Motion for Class	
27	159-4]."	Certification, which this	
20	<u> </u>		

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		Court denied. (See Dkt.	
4		No. 225.) Plaintiffs are	
5		improperly attempting to	
6		inject certification issues	
7		into these summary	
8		judgment proceedings.	
9		Issues of certification have	
10		already been determined,	
11		and those issues are	
12		unrelated to the motion	
13		now before the Court. On	
14		that basis, Defendant Lee	
15		also objects to this	
16		statement as lacking	
17		relevance to the instant	
18		litigation. (Fed. R. Evid.	
19		401, 402).	
20	32. <u>Paragraph 36, p. 6: 16-18</u>	Objection. Defendant Lee	SUSTAINED
21	"Attached hereto as Exhibit 35 is	objects to this statement	
22	a true and correct copy of the	and the referenced	OVERRULED
23	Declaration of Blake Will in	document on the grounds	
24	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
25	Class Certification [Docket No.	Motion for Class	
26	163]."	Certification, which this	
27		Court denied. (See Dkt.	
28			

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		No. 225.) Plaintiffs are	
4		improperly attempting to	
5		inject certification issues	
6		into these summary	
7		judgment proceedings.	
8		Issues of certification have	
9		already been determined,	
10		and those issues are	
11		unrelated to the motion	
12		now before the Court. On	
13		that basis, Defendant Lee	
14		also objects to this	
15		statement as lacking	
16		relevance to the instant	
17		litigation. (Fed. R. Evid.	
18		401, 402).	
19	33. Paragraph 37, p. 6: 19-21	Objection. Defendant Lee	SUSTAINED
20	"Attached hereto as Exhibit 36 is	objects to this statement	
21	a true and correct copy of the	and the referenced	OVERRULED
22	Declaration of Andrew Willis in	document on the grounds	
23	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
24	Class Certification [Docket No.	Motion for Class	
25	309]."	Certification, which this	
26		Court denied. (See Dkt.	
27		No. 225.) Plaintiffs are	
20		100. 223.) Framulis are	

4833-9366-6124.1 4833-9366-6124.1 27 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		improperly attempting to	
4		inject certification issues	
5		into these summary	
6		judgment proceedings.	
7		Issues of certification have	
8		already been determined,	
9		and those issues are	
10		unrelated to the motion	
11		now before the Court. On	
12		that basis, Defendant Lee	
13		also objects to this	
14		statement as lacking	
15		relevance to the instant	
16		litigation. (Fed. R. Evid.	
17		401, 402).	
18	34. Paragraph 38, p. 6: 22-24	Objection. Defendant Lee	SUSTAINED
19	"Attached hereto as Exhibit 37 is	objects to this statement	
20	a true and correct copy of the	and the referenced	OVERRULED
21	Declaration of Stephen Young in	document on the grounds	
22	Support of Plaintiffs' Motion for	that it relates to Plaintiffs'	
23	Class Certification [Docket No.	Motion for Class	
24	167."	Certification, which this	
25		Court denied. (See Dkt.	
26		No. 225.) Plaintiffs are	
27		improperly attempting to	
20			

4833-9366-6124.1 4833-9366-6124.1 28 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		inject certification issues	
4		into these summary	
5		judgment proceedings.	
6		Issues of certification have	
7		already been determined,	
8		and those issues are	
9		unrelated to the motion	
10		now before the Court. On	
11		that basis, Defendant Lee	
12		also objects to this	
13		statement as lacking	
14		relevance to the instant	
15		litigation. (Fed. R. Evid.	
16		401, 402).	
17	35. <u>Paragraph 39, p. 6-7</u>	Objection. Defendant Lee	SUSTAINED
18	"Defendant Charlie Ferrara is	objects to this statement	
19	recorded in an audio	and the referenced	OVERRULED
20	conversation with Plaintiff Diana	document as lacking	
21	Reed, a copy of which was	relevance in the litigation	
22	previously produced as bates	against Defendant Lee.	
23	PLTF002027. A true and correct	(Fed. R. Evid. 401, 402).	
24	copy of this audio recording,		
25	bates PLTF002027, is Exhibit 38		
26	to this declaration and is lodged		
27	separately with the court. See		
20	<u> </u>		

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2	WATERIAL OBJECTED TO		KULING
	Disintiffs' Notice of Ladeina	OBJECTION(S)	
3	Plaintiffs' Notice of Lodging.		
4	Additionally, I caused my office		
5	to transcribe the conversation		
6	between Defendant Charlie		
7	Ferrara and Plaintiff Reed. This		
8	transcription is attached as		
9	Exhibit 43."		
10	36. <u>Paragraph 40: p. 7: 4-9</u>	Objection. Defendant Lee	SUSTAINED
11	"Attached hereto as Exhibit 39 is	objects to this statement	
12	a true and correct copy of	and the referenced	OVERRULED
13	Defendant Lee's Cell Phone	documents on the grounds	
14	Records, which were produced	that it lacks foundation that	
15	in discovery pursuant to a	a call was made to the	
16	subpoena, at 0007, 0008, 0273-	number assigned at the	
17	0275, indicating Sang Lee (at	time to Defendant	
18	phone number 0699) called	Blakeman. (Fed. R. Evid.	
19	Defendant Blakeman (at phone	901). There is no evidence	
20	numbers 3917 and 7934) 62	to support that Defendant	
21	times on January 29, 2016, the	Blakeman can be reached	
22	day Plaintiffs Spencer and Reed	at phone numbers with the	
23	were intimidated, harassed, and	last four digits of "3917"	
24	Plaintiff Spencer was attacked.	and/or "7934." On that	
25		basis, Defendant Lee also	
26		objects to this statement as	
27		lacking relevance to the	
28	4922 9266 6124 1	2.0	

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		instant litigation. (Fed. R.	
4		Evid. 401, 402, 901).	
5			
6	37. <u>Paragraph 4, p. 7:10-14</u>	Objection. Defendant Lee	SUSTAINED
7	"Attached hereto as Exhibit 40 is	objects to this statement	
8	a true and correct copy of	and the referenced	OVERRULED
9	Defendant Lee's Cell Phone	documents on the grounds	
10	Records, which were produced	that it lacks foundation that	
11	in discovery pursuant to a	a call was made to the	
12	subpoena, at 0007, 0008, 0267-	number assigned at the	
13	0269, indicating that on January	time to either Charlie	
14	29, 2016, Defendant Sang Lee	Mowat or David Melo	
15	made a significant number of	(Fed. R. Evid. 901). There	
16	phone calls to Bay Boys,	is no evidence to support	
17	including Charlie Mowat (9561)	the claim that Charlie	
18	and David Melo (5858).	Mowat can be reached at a	
19		phone number with the last	
20		four digits "9561." There is	
21		also no evidence to support	
22		the claim that David Melo	
23		can be reached at the	
24		phone number with the last	
25		four digits "5858." On that	
26		basis, Defendant Lee also	
27		objects to this statement as	

1	MATERIAL OBJECTED TO	<b>GROUNDS FOR</b>	RULING
2		OBJECTION(S)	
3		lacking relevance to the	
4		instant litigation. (Fed. R.	
5		Evid. 401, 402, 901).	
6		Defendant Lee also objects	
7		to this statement as lacking	
8		relevance because Mr.	
9		Mowat and Mr. Melo are	
10		not parties to this suit and	
11		therefore not identified as	
12		"Bay Boys."	
13			
14	38. <u>Paragraph 42, p. 7:15-17</u>	Objection. Defendant Lee	SUSTAINED
15	"Attached hereto as Exhibit 41 is	objects to this statement	
16	a true and correct copy of Alan	and the referenced	OVERRULED
17	Johnston's Chat Messages,	document as lacking	
18	which were produced in	relevance in the litigation	
19	discovery by Defendant	against Defendant Lee.	
20	Johnston. This document was	(Fed. R. Evid. 401, 402).	
21	produced without bates		
22	numbers."		
23	39. <u>Paragraph 44, p. 7-8</u>	Objection. Defendant Lee	SUSTAINED
24	"From the Easy Reader New	refers to and incorporates	
25	Website, I downloaded the	by reference its Opposition	OVERRULED
26	following article, a true and	and Objection to Plaintiffs'	
27	correct copy of which is attached	Request for Judicial	
20			I

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	as Exhibit A to Plaintiffs'	Notice. Defendant Lee	
4	Request for Judicial Notice: Easy	further objects on the basis	
5	Reader News, February 6, 2014,	that this statement	
6	Rachel Reeves, "Lunada Bay	constitutes inadmissible	
7	localism faces a new challenge."	hearsay. (Fed. R. Evid.	
8	This article is available online	801, 802.) Defendant	
9	through the Easy Reader News	objects to this statement as	
10	website at:	lacking relevance. (Fed. R.	
11	http://www.easyreadernews.com/	Evid. 401, 402).	
12	lunada-bay-localism-faces-new-		
13	challenge/.		
14	40. Paragraph 45, p. 8:3-9	Objection. Defendant Lee	SUSTAINED
15	"From the Los Angeles Times	refers to and incorporates	
16	Website, I downloaded the	by reference its Opposition	OVERRULED
17	following article, a true and	and Objection to Plaintiffs'	
18	correct copy of which is attached	Request for Judicial	
19	as Exhibit B to Plaintiffs'	Notice. Defendant Lee	
20	Request for Judicial Notice: The	further objects on the basis	
21	Los Angeles Times, May 8,	that this statement	
22	1995, Tony Perry, "Turf Wars	constitutes inadmissible	
23	Spoil Sanctity of Southland Surf	hearsay. (Fed. R. Evid.	
24	Beaches: Violence: Popularity	801, 802.) Defendant	
25	leads to crowding. Charges that	objects to this statement as	
26	one group attached outsiders	lacking relevance. (Fed. R.	
27	highlight the problem." This	Evid. 401, 402).	
20			

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	article is available online through		
4	The Los Angeles Times website		
5	at: http://articles.latimes.com/		
6	1995-05-08/news/mn-63785_1		
7	_lunada-bay.		
8	41. <u>Paragraph 46, p. 8: 10-16</u>	Objection. Defendant Lee	SUSTAINED
9	"From the LA Weekly Website, I	refers to and incorporates	
10	downloaded the following	by reference its Opposition	OVERRULED
11	article, a true and correct copy of	and Objection to Plaintiffs'	
12	which is attached as Exhibit C to	Request for Judicial	
13	Plaintiffs' Request for Judicial	Notice. Defendant Lee	
14	Notice: LA Weekly, May 9,	further objects on the basis	
15	2016, Hillel Aron, "Can a Copy,	that this statement	
16	a Model and Two Lawyers	constitutes inadmissible	
17	Break a Surf Gang's 45- Year	hearsay. (Fed. R. Evid.	
18	Grip on Lunada Bay?" This	801, 802.) Defendant	
19	article is available online through	objects to this statement as	
20	LA Weekly's website at:	lacking relevance. (Fed. R.	
21	http://www.laweekly.com/news/	Evid. 401, 402).	
22	can-a-cop-a-model-and-two-		
23	lawyers-break-a-surf-gang-s-45		
24	-year-grip-on-lunada-bay-		
25	6902450."		
26	42. <u>Paragraph 47: p. 8: 17-27</u>	Objection. Defendant Lee	SUSTAINED
27	"On February 5, 2016, a Los	refers to and incorporates	
•	<del> </del>	l	

**28** 

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	Angeles Times photographer	by reference its Opposition	OVERRULED
4	took a photo on the bluffs of	and Objection to Plaintiffs'	
5	Lunada Bay of Defenant Brant	Request for Judicial	
6	Blakeman holding a video	Notice. Defendant Lee	
7	camera and recording Ken	further objects on the basis	
8	Claypool and Christopher Taloa	that this statement	
9	while they walked down to the	constitutes inadmissible	
10	shoreline to go surfing. The	hearsay. (Fed. R. Evid.	
11	photograph was included in an	801, 802.) Defendant	
12	article that was published by the	objects to this statement as	
13	Los Angeles Times on February	lacking relevance. (Fed. R.	
14	12, 2016, Garrett Therolf: "Bay	Evid. 401, 402).	
15	Boys' surfer gang cannot block		
16	access to upscale beach, Coastal		
17	Commission says." During his		
18	deposition, Defendant Blakeman		
19	admitted that he is the man		
20	holding the video camera in the		
21	photo. <i>See</i> Ex. 2 at 192: 18-5. I		
22	downloaded this February 5,		
23	2017 photograph from the Los		
24	Angeles Times Website at:		
25	http://www.latimes.com/local/		
26	California/la-me-surfer-gang-		
27	enforcement-201602110-		
20			

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	story.html, a true and correct		
4	copy of which is attached as		
5	Exhibit 44."		
6	43. <u>Paragraph 48, p. 8-9</u>	Objection. Defendant Lee	SUSTAINED
7	"On January 29, 2016, while	objects to this statement	
8	surfing at Lunada Bay, Plaintiff	and the referenced	OVERRULED
9	Cory Spencer was run over in the	document as lacking	
10	water by a Bay Boy who was	relevance in the litigation	
11	coordinating his attack with	against Defendant Lee.	
12	Defendant Blakeman and other	(Fed. R. Evid. 401, 402).	
13	Bay Boys who were in the water		
14	and on the shoreline. As a result		
15	of this attack, Plaintiff Spencer		
16	sustained a cut to his right wrist,		
17	which resulted in an		
18	approximately half-inch scar.		
19	Attached as Exhibit 45 is a true		
20	and correct copy of a photo		
21	depicting Plaintiff Spencer's		
22	right wrist. He is pointing to the		
23	scar with the tip of a pen in the		
24	photo. This Exhibit was marked		
25	as exhibit 43 during his		
26	deposition."		
27	44. <u>Paragraph 49, p. 9:8-14</u>	Objection. Defendant Lee	
28	4833-9366-6124.1	36	2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	"In the course of Plaintiffs' meet	objects to this statement	SUSTAINED
4	and confer discussions with	and the referenced	
5	counsel for each of the	document as lacking	OVERRULED
6	Individual Defendants,	relevance in the litigation	
7	Plaintiffs' counsel offered to	against Defendant Lee.	
8	stipulate to the dismissal of the	(Fed. R. Evid. 401, 402).	
9	negligence cause of action		
10	against each Defendant,		
11	explaining that discovery has		
12	revealed that Defendants'		
13	conduct to exclude, harass,		
14	intimidate, and attack Plaintiffs		
15	was (and is) intentional. Counsel		
16	for Defendants Blakeman,		
17	Charlie and Frank Ferrara, and		
18	Angelo Ferrara refused the		
19	proffered stipulation without any		
20	explanation."		
21	45. Paragraph 50, p. 9:15-27	Objection. Defendant Lee	SUSTAINED
22	"On November 16, 2016, my	objects to this statement	
23	office served requests for	and the referenced	OVERRULED
24	production of documents on	document as lacking	
25	Defendants Charlie and Frank	relevance in the litigation	
26	Ferrara. These requests sought,	against Defendant Lee.	
27	among other items, copies of	(Fed. R. Evid. 401, 402).	
20			<u> </u>

## Case 2:16-cv-02129-SJO-RAO Document 412 Filed 08/17/17 Page 38 of 56 Page ID #:14421

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	each Defendant's cell phone bill		
4	from January 1, 2013 to present.		
5	(See, Request for Production No.		
6	40.) Plaintiffs also requested		
7	copies of text messages or		
8	records of phone calls with a co-		
9	defendant in this matter.		
10	(Request For Production No. 7).		
11	Both Defendants responded that		
12	they did not have any documents		
13	in response to the request		
14	seeking text messages or phone		
15	calls with a co-defendant. A true		
16	and correct copy of Defendants'		
17	responses to Plaintiff Cory		
18	Spencer's document requests are		
19	attached as Exhibit 46. Notably,		
20	however, Defendants Charlie and		
21	Frank Ferrara's co- Defendant,		
22	Sang Lee, was served with an		
23	identical request and responded		
24	the production of a privilege log,		
25	deomstrating numerous		
26	communications between these		
27	three Defendants. A true and		
•		<u> </u>	

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1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	correct copy of Defendant Sang		
4	Lee's privilege log is attached as		
5	Exhibit 47.		
6	46. <u>Paragraph 52, p. 9-10</u>	Objection. Defendant Lee	SUSTAINED
7	"Additionally, despite being	objects to this statement	
8	served with document requests	and the referenced	OVERRULED
9	for cell phone records in	document as lacking	
10	November 2016, I am informed	relevance in the litigation	
11	and believe that neither Charlie	against Defendant Lee.	
12	Ferrara nor Frank Ferrara	(Fed. R. Evid. 401, 402).	
13	attempted to obtain these		
14	documents until approximately		
15	June or July 2017, despite		
16	numerous meet and confer		
17	discussions with their counsel		
18	which commenced in January		
19	2017. Indeed, Defendant Charlie		
20	Ferrara testified at his July 7,		
21	2017 deposition that he hasn't		
22	"really tried that hard" to locate		
23	his cell phone bills. (Ex. 4 at		
24	164:13-165:7).		
25	47. Paragraph 52, p. 10: 7-15	Objection. Defendant Lee	SUSTAINED
26	"Despite subsequently being	objects to this statement	
27	ordered by Magistrate Judge	and the referenced	

**28** 

## Case 2:16-cv-02129-SJO-RAO Document 412 Filed 08/17/17 Page 40 of 56 Page ID #:14423

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	Oliver to produce all cell phone	document as lacking	OVERRULED
4	bills and text messages (Docket	relevance in the litigation	
5	No. 267), counsel for Defendants	against Defendant Lee.	
6	Charlie and Frank Ferrara	(Fed. R. Evid. 401, 402).	
7	ignored the Court's order and		
8	failed to produced (sic)		
9	Defendant Charlie and Frank		
10	Ferrara's cell phone data. Again,		
11	Magistrate Judge Oliver ordered		
12	the production of Charlie		
13	Ferrara's cell phone data,		
14	observing that his counsel "just		
15	chose not to produce all of it."		
16	(See Transcript of July 26, 2017		
17	Telephonic Hearing, attached as		
18	Exhibit 48, at 17:7) Notably,		
19	Defendant Charlie Ferrara had		
20	already filed his motion for		
21	summary judgment, arguing		
22	Plaintiffs did not possess		
23	sufficient evidence to prove their		
24	claims."		
25	48. Paragraph 53: p. 10: 16-	Objection. Defendant Lee	SUSTAINED
26	<u>26</u>	objects to this statement	
27	"At the July 26, 2017 telephonic	and the referenced	
20			

## Case 2:16-cv-02129-SJO-RAO Document 412 Filed 08/17/17 Page 41 of 56 Page ID #:14424

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	hearing, I advised the Court that	document as lacking	OVERRULED
4	Defendants Charlie and Frank	relevance in the litigation	
5	Ferrara's cell phone records only	against Defendant Lee.	
6	date back to February 21, 2016,	(Fed. R. Evid. 401, 402).	
7	and are missing necessary data		
8	that is relevant to the dates the		
9	Plaintiffs were harassed and		
10	attacked- January 29, 2016,		
11	February 5, 2016 and February		
12	13, 2016. It appears that because		
13	of Defendants' delay in seeking		
14	this information from their cell		
15	phone carrier, this critical data		
16	was lost. Further, Defendant		
17	Charlie Ferrara testified at his		
18	deposition that he has not done		
19	anything to preserve the		
20	information that is on his phone,		
21	including photographs and text		
22	messages. (See Ex. 4 at 172:25-		
23	4). As Magistrate Judge Oliver		
24	observed at the July 26, 2017		
25	hearing on this topic, "it is		
26	baffling" that Defendants		
27	ignored their document		
20		<u> </u>	<u> </u>

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	preservation obligations		
4	altogether. (Ex. 48 at 14:5-25)."		
5	49. <u>Paragraph 54, p. 11:1-3</u>	Objection. Defendant Lee	SUSTAINED
6	"Attached hereto as Exhibit 49 is	objects to this statement	
7	a true and correct copy of select	and the referenced	OVERRULED
8	excerpts of the deposition	document as lacking	
9	transcript of Plaintiff Tony Best	relevance in the litigation	
10	taken in the instant action on	against Defendant Lee.	
11	July 12, 2017."	(Fed. R. Evid. 401, 402).	
12	50. <u>Paragraph 55</u> , p. 11:4-6	Objection. Defendant Lee	SUSTAINED
13	"Attached hereto as Exhibit 50 is	objects to this statement	
14	a true and correct copy of select	and the referenced	OVERRULED
15	excerpts of the deposition	document as lacking	
16	transcript of Christopher Taloa	relevance in the litigation	
17	taken in the instant action on	against Defendant Lee.	
18	January 5, 2017."	(Fed. R. Evid. 401, 402).	
19	51. <u>Paragraph 56, p. 11: 7-9</u>	Objection. Defendant Lee	SUSTAINED
20	"Attached hereto as Exhibit 51 is	objects to this statement	
21	a true and correct copy of select	and the referenced	OVERRULED
22	excerpts of the deposition	document as lacking	
23	transcript of Charles Thomas	relevance in the litigation	
24	Mowat taken in the instant action	against Defendant Lee.	
25	on July 21, 2017."	(Fed. R. Evid. 401, 402).	
26	52. Paragraph 57, p. 11: 10-	Objection. Defendant Lee	SUSTAINED
27	<u>12</u>	objects to this statement	
20		<u> </u>	<u>L</u>

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1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	"Attached hereto as Exhibit 52 is	and the referenced	OVERRULED
4	a true and correct copy of select	document as lacking	
5	excerpts of the deposition	relevance in the litigation	
6	transcript of Catherine Placek	against Defendant Lee.	
7	taken in the instant action on	(Fed. R. Evid. 401, 402).	
8	June 23, 2017."		

b. Declaration of Lisa M. Pooley In Support of Plaintiffs' Opposition to Individual Defendants' Motions for Summary Judgment or, in the Alternative, Summary Adjudication

13	MATERIAL OBJECTED TO	<b>GROUNDS FOR</b>	<u>RULING</u>
14		OBJECTION(S)	
15	53. <u>Paragraph 2, p. 2-3</u>	Objection. Defendant Lee	SUSTAINED
16	"On June 7, 2017, I contacted	objects to this statement	
17	Defendant Alan Johnston's	and the referenced	OVERRULED
18	attorney, Patrick Carey, and	document as lacking	
19	advised him that Plaintiffs	relevance in the litigation	
20	wanted to take Mr. Johnston's	against Defendant Lee.	
21	deposition. I asked for dates that	(Fed. R. Evid. 401, 402).	
22	Mr. Johnston and his attorney		
23	were available in June. In		
24	response, Mr. Carey advised that		
25	Mr. Johnston was out of the		
26	country, but he had contacted		
27	Mr. Johnston and asked him to		
	4		

**28** 

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**10** 

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**12** 

4833-9366-6124.1 4833-9366-6124.1 43 2:16-cv-2129 DEFENDANT SANG LEE'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' EVIDENCE FILED IN SUPPORT 2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	<u> </u>
3	schedule a time as soon as		
4	possible to come back for his		
5	deposition."		
6	54. <u>Paragraph 3, p. 3:3-5</u>	Objection. Defendant Lee	SUSTAINED
7	"Later on June 7, 2017, Mr.	objects to this statement	
8	Carey informed me that Mr.	and the referenced	OVERRULED
9	Johnston was "booked for work	document as lacking	OVERROLLD
10	through July" and "has a flight	relevance in the litigation	
11	scheduled for August 17 <sup>th</sup> ." Mr.	against Defendant Lee.	
12		(Fed. R. Evid. 401, 402).	
13	Carey stated that Plaintiffs could	(red. R. Evid. 401, 402).	
	choose any date that week for his		
14	deposition."		~~~~
15	55. <u>Paragraph 4, p. 3: 6-10</u>	Objection. Defendant Lee	SUSTAINED
16	"On June 8, 2017, I responded to	objects to this statement	
17	Mr. Carey explaining that	and the referenced	OVERRULED
18	waiting over two months to take	document as lacking	
19	Mr. Johnston's deposition was	relevance in the litigation	
20	not feasible for Plaintiffs. I	against Defendant Lee.	
21	inquired if Mr. Johnston was	(Fed. R. Evid. 401, 402).	
22	working remotely until August		
23	17, where he was flying in from,		
24	and whether he could not make		
25	himself available on some date in		
26	June."		
27	56. Paragraph 5: p. 3:11-14	Objection. Defendant Lee	
28	4833-9366-6124.1	44	2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	"Mr. Carey responded that Mr.	objects to this statement	SUSTAINED
4	Johnston "spends most of his	and the referenced	
5	time traveling internationally for	document as lacking	OVERRULED
6	VAST," that he currently was in	relevance in the litigation	
7	Taiwan "working for VAST Life	against Defendant Lee.	
8	Taiwan," and that he was	(Fed. R. Evid. 401, 402).	
9	advised that Mr. Johnston could		
10	not make it back until August 17.		
11	Mr. Carey proposed an		
12	international video deposition."		
13	57. <u>Paragraph 6, p. 3:15-22</u>	Objection. Defendant Lee	SUSTAINED
14	"In response to Mr. Carey, I	objects to this statement	
15	reminded him that discovery	and the referenced	OVERRULED
16	closes on August 7. I also	document as lacking	
17	advised that Plaintiffs preferred	relevance in the litigation	
18	to take Mr. Johnston's deposition	against Defendant Lee.	
19	in person, as they are entitled to	(Fed. R. Evid. 401, 402).	
20	do. I also stated that I was unsure		
21	of Mr. Johnston's employment		
22	position, but as a party to this		
23	lawsuit, he needed to appear for		
24	his deposition upon reasonable		
25	notice. I stated that if Mr.		
26	Johnston did not agree to appear		
27	for his deposition in June, then a		
20		<u> </u>	_

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	conference with Magistrate		
4	Judge Oliver would be necessary		
5	to resolve the issue. Mr. Johnston		
6	did not agree."		
7	58. <u>Paragraph 7, p. 3-4</u>	Objection. Defendant Lee	SUSTAINED
8	"On June 15, 2017, Magistrate	objects to this statement	
9	Judge Oliver held a telephonic	and the referenced	OVERRULED
10	hearing. After hearing from each	document as lacking	
11	party, the Court indicated that if	relevance in the litigation	
12	Mr. Johnston was saying he had	against Defendant Lee.	
13	no date available for his	(Fed. R. Evid. 401, 402).	
14	deposition before the close of	(100,10,2,10,101,102)	
15	discovery, then Plaintiffs should		
16	proceed with noticing his		
17	deposition and, if Mr. Johnston		
18	did not appear as noticed, then		
19	Plaintiffs would need to follow		
20	procedures to compel his		
21	attendance. During the hearing,		
22	Mr. Carey clarified that Mr.		
23	Johnston is not an employee of		
24	VAST, but rather he is		
25	"sponsored" by this surf		
26	company."		
27	59. Paragraph 8, p. 4:3-6	Objection. Defendant Lee	
28	4833-9366-6124.1	46	2:16-cv-2129

1	MATERIAL OBJECTED TO	<b>GROUNDS FOR</b>	RULING
2		OBJECTION(S)	
3	"After the hearing, magistrate	objects to this statement	SUSTAINED
4	Judge Oliver issued an Order	and the referenced	
5	directing the parties to meet and	document as lacking	OVERRULED
6	confer in good faith and, if	relevance in the litigation	
7	unable to reach a resolution, to	against Defendant Lee.	
8	schedule a telephonic conference	(Fed. R. Evid. 401, 402).	
9	with the Court."		
10	60. Paragraph 9, p. 4:7-15	Objection. Defendant Lee	SUSTAINED
11	"Later on June 15, 2017, Mr.	objects to this statement	
12	Carey advised me that he had left	and the referenced	OVERRULED
13	a message for Mr. Johnston	document as lacking	
14	telling him that he must choose a	relevance in the litigation	
15	date to come home as soon as	against Defendant Lee.	
16	possible or Plaintiffs simply	(Fed. R. Evid. 401, 402).	
17	would notice his deposition. I		
18	advised that Plaintiffs intended		
19	to notice Mr. Johnston's		
20	deposition, given the delay in		
21	scheduling thus far, the		
22	impending discovery deadline,		
23	and counsel's calendar. But I		
24	also stated that Plaintiffs would		
25	consider a proposed alternative		
26	date on which Mr. Johnston		
27	agreed to appear, should he do		
20			<u> </u>

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	so. Plaintiffs noticed Mr.		
4	Johnston's deposition for June		
5	30, 2017. Attached hereto as		
6	Exhibit 1 is a true and correct		
7	(sic) of Plaintiffs' Notice of		
8	Deposition of Defendant Alan		
9	Johnston, dated June 15, 2017."		
10	61. Paragraph 10, p. 4:16-18	Objection. Defendant Lee	SUSTAINED
11	"On June 19, 2017, I contacted	objects to this statement	
12	Mr. Carey to inquire if he had	and the referenced	OVERRULED
13	communicated further with Mr.	document as lacking	
14	Johnston about his return. Mr.	relevance in the litigation	
15	Carey stated that Mr. Johnston	against Defendant Lee.	
16	"could not make it back for	(Fed. R. Evid. 401, 402).	
17	6/30/17" and he was "still		
18	working on it."		
19	62. Paragraph 11, p. 4: 19-23	Objection. Defendant Lee	SUSTAINED
20	"On June 20, 2017, Mr. Carey	objects to this statement	
21	informed me again that Mr.	and the referenced	OVERRULED
22	Johnston could not make it back	document as lacking	
23	for his deposition on June 30.	relevance in the litigation	
24	Mr. Carey stated that he "only	against Defendant Lee.	
25	break" in Mr. Johnston's	(Fed. R. Evid. 401, 402).	
26	schedule is on July 11. Mr.		
27	Carey (sic) that he was trying to		
28	4833-9366-6124.1	48	2:16-cv-2129

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1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	arrange something around that		
4	date and urging Mr. Johnston to		
5	arrange a break and book travel		
6	home."		
7	63. Paragraph 12, p.4:24-28	Objection. Defendant Lee	SUSTAINED
8	"On June 21, 2017, I informed	objects to this statement	
9	Mr. Carey that because Mr.	and the referenced	OVERRULED
10	Johnston had not agreed to	document as lacking	
11	appear for his deposition on a	relevance in the litigation	
12	mutually-agreeable date,	against Defendant Lee.	
13	Plaintiffs were not taking the	(Fed. R. Evid. 401, 402).	
14	June 30 deposition off calendar. I		
15	advised that if Mr. Johnston did		
16	not appear for his deposition as		
17	noticed, then Plaintiffs would		
18	move to compel his deposition		
19	and seek sanctions for his failure		
20	to appear."		
21	64. Paragraph 13, p. 5:3-6	Objection. Defendant Lee	SUSTAINED
22	"On June 26, 2017, I contacted	objects to this statement	
23	the Court to request a telephonic	and the referenced	OVERRULED
24	hearing concerning Mr.	document as lacking	
25	Johnston's deposition. The Court	relevance in the litigation	
26	issued an Order directing the	against Defendant Lee.	
27	parties to meet and confer one	(Fed. R. Evid. 401, 402).	
28	4833-9366-6124.1	49	2:16-cv-2129

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	more time regarding this dispute		
4	and, if not resolved, to submit		
5	letter briefs to the Court. (Dkt.		
6	255)."		
7	65. <u>Paragraph 14, p. 5: 7-11</u>	Objection. Defendant Lee	SUSTAINED
8	"Later that day, Mr. Carey	objects to this statement	
9	advised me that he "may have	and the referenced	OVERRULED
10	Mr. Johnston secured for 7/28/17	document as lacking	
11	deposition," but he could not	relevance in the litigation	
12	"100% confirm." He said he	against Defendant Lee.	
13	hoped to hear from Mr. Johnston	(Fed. R. Evid. 401, 402).	
14	shortly. (Mr. Carey made no		
15	further mention of Mr.		
16	Johnston's "break in his		
17	schedule" on July 11.)."		
18	66. <u>Paragraph 15</u> , p. 5:12-13	Objection. Defendant Lee	SUSTAINED
19	"On June 27, 2017, I met and	objects to this statement	
20	conferred with Mr. Carey again	and the referenced	OVERRULED
21	as ordered by the Court, but we	document as lacking	
22	did not resolve the matter."	relevance in the litigation	
23		against Defendant Lee.	
24		(Fed. R. Evid. 401, 402).	
25	67. <u>Paragraph 16, p. 5:14-16</u>	Objection. Defendant Lee	SUSTAINED
26	"Mr. Carey proposed that Mr.	objects to this statement	
27	Johnston's deposition proceed on	and the referenced	
28	4922 0266 6124 1	T.O.	2.16

1	MATERIAL OBJECTED TO	<b>GROUNDS FOR</b>	RULING
2		OBJECTION(S)	
3	July 28, although he had not	document as lacking	OVERRULED
4	received confirmation from Mr.	relevance in the litigation	
5	Johnston yet that he would return	against Defendant Lee.	
6	to the country for his deposition	(Fed. R. Evid. 401, 402).	
7	on that date."		
8	68. <u>Paragraph 17, p. 5-6</u>	Objection. Defendant Lee	SUSTAINED
9	"In response, I explained that	objects to this statement	
10	waiting until July 28, even	and the referenced	OVERRULED
11	assuming that Mr. Johnston	document as lacking	
12	agreed to appear on that date,	relevance in the litigation	
13	would put Plaintiffs at an unfair	against Defendant Lee.	
14	disadvantage given that: (1) Mr.	(Fed. R. Evid. 401, 402).	
15	Johnston's testimony might be		
16	relevant and necessary to oppose		
17	two defense summary judgment		
18	motions, which Plaintiffs had		
19	been advised would be filed		
20	against them (and which had to		
21	be filed by July 24, at the latest)		
22	and (2) Plaintiffs likely would		
23	have insufficient time before the		
24	close of discovery on August 7,		
25	2017 to compel testimony from		
26	Mr. Johnston, should they need		
27	to do so based on his responses		
20	1000 0055 510 14		1

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	at his deposition. I proposed that		
4	Mr. Johnston appear at his		
5	deposition on June 30, as		
6	noticed, and, if he would not,		
7	then he appear for his deposition		
8	the following week, the week of		
9	July 3."		
10	69. <u>Paragraph 18, p. 6:4-5</u>	Objection. Defendant Lee	SUSTAINED
11	"On June 28, 2017, I submitted a	objects to this statement	
12	letter brief to Magistrate Judge	and the referenced	OVERRULED
13	Oliver concerning Mr.	document as lacking	
14	Johnston's deposition. (Dkt.	relevance in the litigation	
15	256)."	against Defendant Lee.	
16		(Fed. R. Evid. 401, 402).	
17	70. Paragraph 19, p. 6:6-7	Objection. Defendant Lee	SUSTAINED
18	"On June 30, 2017, Mr. Carey	objects to this statement	
19	submitted a letter brief to	and the referenced	OVERRULED
20	Magistrate Judge Oliver	document as lacking	
21	concerning Mr. Johnston's	relevance in the litigation	
22	deposition. (Dkt. 257)."	against Defendant Lee.	
23		(Fed. R. Evid. 401, 402).	
24	71. Paragraph 20, p. 6:8-10	Objection. Defendant Lee	SUSTAINED
25	"On June 30, 2017, Magistrate	objects to this statement	
26	Judge Oliver issued an Order for	and the referenced	OVERRULED
27	Mr. Johnston to appear for his	document as lacking	
28	1000 00 55 510 14	L	

	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
		OBJECTION(S)	
}	deposition on July 28, 2017.	relevance in the litigation	
ļ	(Dkt. 259)."	against Defendant Lee.	
5		(Fed. R. Evid. 401, 402).	
Ó	72. <u>Paragraph 21, p. 6:11-12</u>	Objection. Defendant Lee	SUSTAINED
7	"On July 24, 2017, Defendant	objects to this statement	
3	Johnston filed a motion for	and the referenced	OVERRULED
)	summary judgment. (Dkt. 283)."	document as lacking	
)		relevance in the litigation	
l		against Defendant Lee.	
2		(Fed. R. Evid. 401, 402).	
3	73. <u>Paragraph 22, p. 6:14-15</u>	Objection. Defendant Lee	SUSTAINED
1	"On July 28, 2017, I took the	objects to this statement	
5	deposition of Defendant	and the referenced	OVERRULED
6	Johnston in Irvine, California."	document as lacking	
7		relevance in the litigation	
3		against Defendant Lee.	
)		(Fed. R. Evid. 401, 402).	
)	74. <u>Paragraph 23, p. 6:17-23</u>	Objection. Defendant Lee	SUSTAINED
L	"On July 24, 2017, I received an	objects to this statement	
2	electronic copy of Defendant	and the referenced	OVERRULED
3	Brant Blakeman's Motion for	document as lacking	
ļ	Summary Judgment, which was	relevance in the litigation	
5	simultaneously e-filed with the	against Defendant Lee.	
6	Court. (Dkt 284). On July 25,	(Fed. R. Evid. 401, 402).	
7	2017, I received an electron copy		
2	4922 0266 6124 1		

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1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	of Defendant Brant Blakeman's		
4	Notice of Lodging Video in		
5	Support of Defendant's Motion		
6	for Summary Judgment, in which		
7	he represented that certain video		
8	footage had been lodged with the		
9	Court (referenced as Exhibit A to		
10	the Declaration of Richard P.		
11	Dieffenback.) (Dkt. 289)."		
12	75. <u>Paragraph 24, p. 6-7</u>	Objection. Defendant Lee	SUSTAINED
13	"On July 26, 2017, I confirmed	objects to this statement	
14	that my office had not been	and the referenced	OVERRULED
15	served with the video that	document as lacking	
16	Defendant Blakeman lodged	relevance in the litigation	
17	with the Court. I sent an email to	against Defendant Lee.	
18	Mr. Dieffenbach and his co-	(Fed. R. Evid. 401, 402).	
19	counsel who represent Mr.		
20	Blakeman, asking for them		
21	immediately to provide Plaintiffs		
22	with a copy of the video		
23	apparently submitted to the		
24	Court but bot served Plaintiffs. I		
25	also asked Mr. Dieffenbach and		
26	his co-counsel to identify the		
27	video they had submitted to the		
28	4922 0266 6124 1		2.1.5

1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3	Court if had been Bates- labeled		
4	or otherwise marked during		
5	discovery. Attached hereto as		
6	Exhibit 2 is a true and correct		
7	copy of the email that I sent to		
8	Mr. Dieffenback and his co-		
9	counsel representing Defendant		
10	Blakeman on July 26, 2017."		
11	76. Paragraph 25, p. 7:5-9	Objection. Responding Party	SUSTAINED
12	"To date, I have not received any	objects to the extent this	
13	response from Mr. Dieffenbach,	interrogatory seeks information	OVERRULED
14	or any of his co-counsel who	protected by the attorney-client	
15	represent Defendant Blakeman,	privilege and/or attorney work-	
16	to my July 26, 2017 email. My	product doctrine. Further	
17	office has not been served with	objection is made on the	
18	the video that Defendant	grounds the instructions set	
19	Blakeman apparently lodged	forth on the cover page of the	
20	with the Court in support of his	form interrogatories expressly	
21	summary judgment motion,	states "the interrogatories in	
22	despite his counsel's obligation	section 16.0 should not be used	
23	to do so and my explicit request	until the defendant has had a	
24	that they do so."	reasonable opportunity to	
25		conduct an investigation or	
26		discovery or plaintiff's injuries	
27		and damages." Without waiver	
20		<u> </u>	

1	MATERIAL ORIECTED TO	CDOLINDS FOR	DIII INC
1	MATERIAL OBJECTED TO	GROUNDS FOR	RULING
2		OBJECTION(S)	
3		of said objections, Responding	
4		Party provides the following	
5		response: Responding Party	
6		lacks adequate information and	
7		the necessary expert analysis at	
8		this early stage to determine	
9		whether such a contention is	
10		warranted.	
11		Waltaneed	
12			
13	IT IS SO ORDERED:		
14			
15	Dated:	Hanamala C LAMECOT	TED O
16		Honorable S. JAMES OT Judge of the United State	
17			
18	RESPECTULLY SUBMITTED,		
19	RESIECTULET SUDWITTED,		
20	DATED A 17 2017	T EMAG DDIGDOIG DIGG A	ADD 0 CMITH
21	DATED: August <u>17</u> , 2017	LEWIS BRISBOIS BISGA	ARD & SMITH LLP
22			
23		By: /s/ Tera A. Lutz	
24		Dana Alden Fox	
		Edward E. Ward, Jr.	
25		Tera A. Lutz Attorneys for Defendar	nt SANG LFF
26		1 morneys for Detendar	IL DAN TO LLL
27			
28	4833-9366-6124.1  DEFENDANT SANG LEE'S EVIDENTIARY	56 OBJECTIONS TO PLAINTIFES' EVID	2:16-cv-2129 DENCE FILED IN SUPPORT

**BRISBOIS BISGAARD** & SМПН ШР